

LAW ON CONSCRIPTION, COMPULSORY LABOUR AND REQUISITION

I GENERAL PROVISIONS

Article 1

This law shall define the following: conscription; drafting, military service period, reserve forces; conscripts' travel and residence abroad; right to reimbursement for doing military service; records of conscripts; compulsory labour in the state bodies and legal entities of importance for defence; compulsory labour in labour service units; requisition applying to the citizens, companies, other legal entities and entrepreneurs in case of emergency and at wartime as well as other issues of importance for conscription, compulsory labour and requisition.

II CONSCRIPTION

Article 2

Conscription is the right and duty of the citizens to prepare and train for participation in defence and safeguarding of sovereignty, independence, territorial integrity and security of the Republic of Serbia (hereinafter: defence).

Conscription in peacetime, state of emergency or wartime applies to all the citizens who are prepared and trained for carrying out military duties and other defence tasks pursuant to the Law.

In carrying out conscription in case of emergency or at wartime rights and freedoms of the citizens may be limited for the needs of defence and state security only in accordance with the Constitution of the Republic of Serbia and regulations addressing wartime or state of emergency.

Article 3

Conscription is universal and applies to the citizens of the Republic of Serbia and consists of: drafting, military service period, civilian service obligation and reserve service obligation, conducted in accordance this Law and other laws.

At peacetime citizens perform their conscription in commands, units and institutions of the Serbian Armed Forces, except for individuals who opt for the civilian service, while at wartime and state of emergency the conscription is discharged in the Serbian Armed Forces, police and other defence forces and civilian protection pursuant to the Defence Plan and decisions of the bodies in charge.

Regulations on the way and procedure for carrying out conscription are passed by the Government following the proposal of the Minister of Defence.

Article 4

A conscript is an individual subject to conscription in accordance with this Law as follows:

- a) a draftee
- b) a soldier serving military service period either armed or unarmed
- c) an individual doing civilian service
- d) an individual in reserve forces

A person becomes a draftee in the calendar year, in which he turns 18 years of age as follows: before the commencement of his military service period in the Serbian Armed Forces; before the commencement of his civilian service in an organisation or institution, in which civilian service is performed; until he is transferred to reserve forces provided his military service period or civilian service has been performed in some other way, or until the termination of conscription obligation in accordance with provisions of Article 9 of this Law.

A draftee becomes a soldier serving military service period armed or unarmed on the date of commencement of his service in the Serbian Armed Forces when he becomes a military person, and he ceases to be military person on the date of release or suspension of military service period.

A draftee becomes a person serving civilian service on the date of commencement of his service in an organization or institution, in which civilian service is done and ceases to be the person in civilian service on the date of release or suspension of civilian service.

An individual in reserve forces is a conscript who has done the military service or an individual who has fulfilled civilian service from the date of release or termination of military service period or civilian service and who has been assigned or unassigned to the Serbian Armed Forces, civil protection, or other defence forces until the date of termination of conscription obligation in accordance with the provisions of the Article 9 of this Law.

An individual in reserve forces becomes a military person on the date of reporting to duty in the Serbian Armed Forces and loses the status of military person on the date of release from the Serbian Armed Forces.

A conscript who has done a civilian service does not have the status of a military person.

Article 5

Fulfilment of the conscription is secured and conducted by the Ministry of Defence via territorial authorities.

The Ministry of Defence territorial authorities (hereinafter: territorial authorities) are, within the meaning of this Law, the Ministry of Defence centres for local self-governments and the Ministry of Defence regional centres.

The Ministry of Defence centres for local self-governments are established for the territory of a specified number of municipalities or towns, while the Ministry of Defence regional centres are established for the territory of a specified number of centres for local governments.

The territorial authorities secure doing conscription at the territory, for which they are established, they harmonise its fulfilment with compulsory labour and requisition, as well as with other rights and duties of the citizens, i.e. defence tasks in that territory, keep prescribed records of the conscripts on the grounds of the data which, pursuant to Law, are obtained from the state bodies, local self-governments'

bodies, companies and other legal entities within the framework of their responsibilities in records keeping.

Duties pertaining to conscription are performed in accordance with drafting and manning plans of the Serbian Armed Forces, deployment and draftee ratio in the Serbian Armed Forces, criteria for the Serbian Armed Forces manning and other defence needs, as well as with defined priorities for the manning and manning plans of commands, units and institutions of the Serbian Armed Forces and civilian protection units, other state bodies, in which conscripts may be deployed in case of emergency or at wartime.

Article 6

The Ministry of Defence harmonizes carrying out of conscription with fulfilment of other rights and duties in the area of defence and keeps uniformed records of all conscripts.

The autonomous provinces' bodies and local self-governments bodies provide room and technical conditions for the work of territorial authorities on the territory under their responsibility as needed for carrying out conscription in accordance with this Law and resources allocated in the budget for such purposes.

Article 7

In implementing manning plans of the Serbian Armed Forces, civilian protection units and other defence forces, the Ministry of Defence shall co-operate with the state authorities, autonomous provinces' and local self-governments' bodies in making drafting plans and plans for manning the Serbian Armed Forces, civilian protection units and other defence forces and shall secure the realization of these plans.

Article 8

Women are not subject to conscription and obligation to do military service period. They are however allowed to do conscription by serving in reserve forces in time of emergency or war.

Women conscripts are entered into reserve records according to their professional and working capabilities and military and civilian specializations they have or acquire while performing conscription.

In peacetime, women conscripts, may be called up for military exercises and civilian protection exercises (hereinafter: exercises) for the purpose of acquiring necessary military and civilian knowledge and for being trained for duties in the state of emergency or at wartime, organized by the Ministry of Defence, Serbian Armed Forces or civilian protection.

Women, professional military, may, upon termination of their professional military service, perform duties in reserve forces in accordance with their military specialization.

Article 9

The conscription shall be terminated:

- 1) when the conscript turns 60 years of age (men) and 50 years of age (women);
- 2) if his/her citizenship of the Republic of Serbia terminates in accordance with the law;
- 3) if he/she is pronounced incapable of doing military service;
- 4) in case of his/her death.

Call up of Conscripts to Perform Conscription

Article 10

A conscript is called up by the territorial authority to perform his conscription.

The conscript is summoned to carry out his conscription by general and individual call up.

General call up produces the same legal effect as the individual one.

Draftee, i.e. person in reserve forces, who is called up by the territorial authority in regard to the conscription shall report to the location, and in time specified in the general or individual call up and shall bring with himself items and identification documents specified in call up.

Individual call up, save for call ups for mobilisation or for exercise of mobilization readiness, shall be forwarded to the conscript at the latest 30 days prior to the date stipulated for the beginning of obligation, for which he was called up.

Article 11

Provided a summoned draftee or a person in reserve forces is prevented from coming to the location and at the time specified in the call up, because of a disease or any other justifiable reason, he shall inform on the circumstances the territorial authority that summoned him immediately upon receipt of the invitation or acknowledgement of the general call up and provided the reason for prevention occurs later on.

Provided a draftee, i.e. person in reserve forces does not respond to call up and does not justify his absence, he shall be apprehended.

The decision on apprehension is made by the territorial authority pursuant to the law and order, following the decision. It is carried out by police officers of the Ministry of Interior in accordance with the law.

Article 12

A conscript who submitted request for release from the Republic of Serbia citizenship and who informed on that matter the territorial authority shall not be called up to perform conscription service until decision is made in regard to such request in accordance with the law.

Notwithstanding the provision from Paragraph 1 of this Article, a draftee who turns 27 year of age in that calendar year or who has submitted such request during a state of emergency or at wartime shall be called up to do military service.

A conscript, who is approved to stay abroad, shall not be called up to perform conscription until the approved stay expires.

A conscript, who apart from the Republic of Serbia citizenship, has citizenship of another state, who is abroad and has informed our diplomatic-consular mission on the issue shall not be called up to do military service till the end of September in the calendar year in which he turns 26 years of age.

Draft Obligation

Article 13

Drafting is an obligation of a conscript to do prescribed obligations and orders of the Ministry of Defence with regard to being entered into military records, medical and other examinations and psychology tests, drafting, assignment to serve military service period in the Serbian Armed Forces and other prescribed obligations for draftees.

Drafting is incurred in the calendar year in which citizen of Republic of Serbia turns 18 years of age and it lasts till commencement of military service period or till he is transferred to reserve forces provided he has fulfilled his obligation of serving military service in a different way or until termination of conscription in accordance with provisions of Article 9 of this Law.

Instruction on drafting and the Serbian Armed Forces manning in peacetime and wartime is passed by the Minister of Defence.

Article 14

Draft obligation is performed as follows:

- 1) by being entered into military records;
- 2) by completing medical and other check-ups and psychological tests;
- 3) by being drafted;
- 4) by being assigned to carry out military service in the Serbian Armed Forces or in the civilian service;
- 5) by fulfilling other obligations prescribed by this Law.

Article 15

A draftee is registered in military records at the beginning of the calendar year in which he turns 18 years of age, along with other elder recruits, who, for some reason, have not been previously entered into records.

A draftee, who resides abroad, is entered into records kept by relevant diplomatic-consular mission of the Republic of Serbia, which on this fact shall notify the territorial authority.

Article 16

Medical and other checks, and psychological tests from Article 14 of this Law, and following the Ministry of Defence request, are performed by authorized military and civilian health care institutions, jointly specified by the Minister of Defence and Minister of Health (hereinafter: authorized health care institutions).

Mutual rights and obligations of the Ministry of Defence and health care institutions, save for the military ones, in which checks and tests are done shall be defined by an individual agreement.

The reimbursement for the services rendered by authorized health care institutions shall be defined by the Government following the proposal of the Minister of Defence with previously obtained opinion of the Minister of Health.

The agreement from Paragraph 2 of this Article shall be signed by the Minister of Defence or a person he/she authorizes and the Minister of Health or a person he/she authorizes.

Article 17

Medical and other checks and psychological tests done in order to assess capability for military service and drafting are carried out at the latest six months before a person is assigned to do military service and at the earliest in the calendar year in which the draftee turns 19 years of age.

A draftee assigned to special units of the Serbian Armed Forces and candidates for reserve officers are subject to vetting.

Regulations on vetting shall be passed by the Minister of Defence.

Article 18

Drafting is carried out by drafting boards established by the Ministry of Defence.

A drafting board consists of at least three members, one of which needs to be a doctor.

Number of drafting boards is changeable and depends upon the number of draftees.

Article 19

Drafting board evaluates the draftee's capability for performing military service, determines a branch or service on the basis of acquired qualifications, knowledge, skills and findings of the previously done medical and other tests, as well as of medical check-ups during drafting.

The assessment of the recruitment board may state the following:

- 1) capable of military service;
- 2) temporarily incapable of military service;
- 3) incapable of military service.

Evaluation of capability for military service shall only be given on the grounds of accomplished medical and other check and psychological tests performed by the authorized health care institution.

The branch or service determined in the course of drafting can be changed by the recruitment board because of the Serbian Armed Forces manning requirements, change of the draftee's health condition, qualifications acquired subsequently or change of the profession and any other skills of importance for the Serbian Armed Forces.

Article 20

A conscript assessed as temporarily incapable of military service shall be subject to new medical and other checks and psychological tests upon expiration of temporary incapability.

Duration of temporary incapability shall not last longer than the end of the calendar year in which the draftee turns 27 years of age.

With each drafting, the temporary incapability can be determined for the period of one to three years.

A draftee can be assessed as temporary incapable for military service only twice.

On the third drafting, the drafting board shall make a final evaluation of his capability for doing military service.

Article 21

A conscript assessed as incapable of military service shall be subject to a revised check-up following the proposal of the territorial authority made on the grounds of subsequently established facts regarding capability for military service or acquired medical documentation asserting that incapability assessment does not correspond to the actual state.

Decision on the revised check-up of the individual from Paragraph 1 of this Article is made by the Minister of Defence or a person authorised by him/her.

Article 22

For the purpose of securing a necessary level of the Serbian Armed Forces manning, drafting shall be performed in the state of emergency and at wartime, in accordance with the regulations pertaining to the state of emergency and wartime.

In order to perform drafting at wartime, the Drafting Plan for the first year of war shall be prepared at peacetime.

Assignment for the Serbian Armed Forces manning at wartime shall be conducted on the territorial principle or, exceptionally, it may be extraterritorial.

Article 23

Regulations on elements for assessing health capabilities of the conscripts for military service, and on medical and other checks and psychological tests of the conscripts, in terms of finding out whether they are capable of military service are passed by the Government following the proposal of the Minister of Defence.

Regulations on the way of work of the drafting boards and conditions for determining branches and services, in which a recruit is to serve his military service shall be passed by the Minister of Defence.

Obligation to Do Military Service

Article 24

Obligation to do military service shall be realized by serving the military service either armed or unarmed in the Serbian Armed Forces.

Military service, armed or unarmed, lasts six months.

Article 25

A draftee who has been assessed capable of military service pursuant to Article 19 of this Law shall be assigned to serve military service in the calendar year, in which he turns 19 years of age.

Assigning a draftee to serve military service shall be ordered by the Minister of Defence or the person authorised by him/her in accordance with the Serbian Armed Forces Manning Plan.

Article 26

A draftee who has been enrolled at the faculty or other higher school or professional studies shall be assigned to do military service upon completion of the faculty, other higher school or professional studies, no later than the end of September in the calendar year, in which he turns 27 years of age.

A draftee from Paragraph 1 of this Article shall supply the territorial authority with the evidence on his enrolment at the faculty, other higher school or professional studies for each school year by the end of November of the current year.

Article 27

A draftee who requires to be assigned to serve or to do his military service shall commence his service within six months from the date of his request submission and at the earliest in the calendar year, in which he turns 19 years of age.

A draftee who returns to the country from the approved temporary residence abroad and requires doing his military service shall commence his service in the first following term.

Article 28

The Minister of Defence shall prescribe conditions, under which the military service is served by a draftee, who is a scientist researcher, carrying out a scientific and research or developing project of a particular importance for the Republic of Serbia, top athlete or a member of the Republic of Serbia's national team who has achieved top results in sport competitions and artist, who has given a supreme contribution to the Republic of Serbia's culture.

Status of the draftee from Paragraph 1 of this Article shall be reiterated by the competent ministry.

Article 29

A draftee may be assigned to do the military service until the end of the calendar year, in which he turns 27 years of age.

Notwithstanding provision from Paragraph 1 of this Article, a draftee, who has not met his obligations prescribed by this Law, and has not done the military service until the end of the year, in which he has turned 27, shall be assigned to do military service no later than the end of the calendar year, in which he has turned 30 years of age. The decision on this issue is made by the territorial authority.

Article 30

A draftee, who is a university graduate, may be selected to attend a reserve officers' course provided he meets prerequisites prescribed for the draftees assigned to the Serbian Armed Forces' special units.

Selection of the draftees shall be conducted by the territorial authorities in accordance with the annual training plan.

Way and prerequisites for selection, procedures for selection of the draftees that will be trained as reserve officers shall be prescribed by the Minister of Defence in line with the needs of the service and regulations on military education.

Article 31

When selecting students for the reserve officers' course, the priority is given to draftees with military scholarship, those who completed relevant schools with higher grades and younger draftees.

A draftee selected to attend the reserve officers' course shall be assigned a branch or service according to the list of professions and jobs of importance for deciding on the branch or service and draftee's military speciality.

Article 32

The following draftees shall not serve military service:

- 1) a draftee who has been sentenced by a valid and effective judgement to juvenile prison or unconditional imprisonment for committing a crime (until completing his sentence or being released on probation);
- 2) a draftee who has been pronounced a corrective measure or security measure of mandatory psychiatric treatment and care in the health care institution (for the time measure is applied);
- 3) a draftee against whom a criminal procedure has been instituted for a criminal offence, for which a procedure is initiated ex officio, save for the criminal offence of avoiding military service.

A draftee from Paragraph 1, Items 1) and 2) of this Article shall be assigned to serve national service upon previously obtained opinion of the institution, in which he has been treated or in which he has served imprisonment, on his behaviour during serving the sentence or treatment, no later than the end of the calendar year, in which he turns 30 years of age.

Article 33

Conscientious objection is submitted to the territorial authority with whom the draftee is registered as conscript at the latest eight days from the date of receiving the call up for serving the military service period.

The right to serve military service period unarmed shall not be entitled to the draftee

- 1) who is having licence for carrying or possessing arms;
- 2) who, in the past three years, submitted application for carrying or possessing arms;
- 3) who has been sentenced for the criminal offence for which procedure is instituted ex officio or for criminal offence with elements of violence for which the procedure is instituted by private charge;
- 4) who in the past three years was sentenced for causing or participating in disturbances and fights and against whom criminal procedure has been instituted for the criminal offence for which procedure is instituted ex officio save for the criminal offence of avoiding military service.

Article 34

Commands, units and institutions of the Serbian Armed Forces in which military service period is done unarmed are specified by the Minister of Defence following the proposal of the Chief of the General Staff, Serbian Armed Forces.

Article 35

Conscripts who serve military service unarmed are assigned duties and tasks for which carrying and use of arms is not required.

As to other rights and duties they are equal to other conscripts who serve with arms.

Article 36

A soldier who has completed military service is released from the Serbian Armed Forces and becomes a reserve soldier and, under the conditions prescribed by Law, he may become a reserve non-commissioned officer or a reserve officer.

A conscript released from serving military service under the conditions prescribed by the Law is transferred to reserve forces of the Serbian Armed Forces according to his education and working experience.

Article 37

Regular leave of absence for the soldier serving military service either armed or unarmed is 10 days.

An officer in charge may reward by the leave of absence lasting up to 10 days a soldier serving military service armed or unarmed for investing particular efforts, work and achieving excellent results.

A soldier donating blood voluntarily is entitled to two days of leave of absence, save for the day blood was donated.

A document on regular, reward and leave of absence due to blood donation is made by the officer in charge and duration of approved leave of absence from Paragraphs 1, 2 and 3 of this Article is considered as time spent in serving military service.

Article 38

Soldiers serving military service can be pronounced disciplinary measure of prohibited leave of designated premises within military installation for the period of up to 15 days for acting contrary to obligations pertaining to performing military duties defined by the Law, Service Regulations and other regulations, orders and other documents issued by relevant officers.

Violations of military discipline, for which disciplinary measure of prohibited leave of designated premises within military installation and procedure for issuing disciplinary measure, are prescribed by the President of Republic following the proposal of the Minister of Defence.

Postponement, Discontinuance and Release from the Obligation of Serving Military Service

Article 39

Serving military service shall be postponed to a draftee in the following cases:

- 1) if pursuant to the law on protection of family members, an individual doing compulsory military service becomes a family provider (while the circumstances are in effect);
- 2) if another member of that family is already doing military service (until that other family member completes his military service period);
- 3) if due to death or grave illness in the family (spouse, children either legitimate or illegitimate, adopted or fostered and the first relatives under the condition that they live in common household) or if due to natural disaster the draftee's family would face grave material position when he is assigned to do military service (while these reasons are in effect);
- 4) if he has started working as intern (until completion of internship);
- 5) if he has been employed for an indefinite period of time and due to military service will not be in a position to report to work in a notified time, and if he

has been employed for a limited period of time and has evidence that following expiration of that time he would be employed for indefinite period of time and no longer than one year;

- 6) if there is no other family member in his household capable of providing and the necessary agriculture works have to be done;
- 7) if he has returned from abroad to do military service, but is not in a position to provide for his family before joining the Serbian Armed Forces.

A draftee from Paragraph 1 of this Article submits request to the territorial authority, which he is entered into records with, eight days from the date of receiving a call up for serving military service period. A draftee staying abroad shall submit the request to the territorial authority via diplomatic-consular mission of the Republic of Serbia.

A draftee from Paragraph 1 of this Article shall have his military service period postponed no later than the end of the calendar year, in which he turns 27.

Article 40

Based on the request of the competent ministry, the military service shall be postponed to the following draftee:

- 1) a scientist-researcher working on scientific-research and developing projects of particular importance for the Republic of Serbia;
- 2) a top athlete and a member of the Republic of Serbia national team because of his participation in the World and European championships and the Olympic Games;
- 3) an artist because of his participation in manifestations of importance for the Republic of Serbia.

Military service shall be postponed for the draftee from Paragraph 1 of this Article no longer than for one year and at the latest till the end of September, in which he turns 27 years of age.

Request from Paragraph 1 of this Article is submitted to the Ministry of Defence within 15 days from the date of call up receipt.

Article 41

Military service shall be discontinued for a conscript:

- 1) who is assessed as temporarily incapable of doing military service (while incapability lasts);
- 2) who has been sentenced, while serving military service period, to juvenile imprisonment or unconditional imprisonment following the valid and effective

court verdict or who has been summoned to serve imprisonment sentence (until completing the sentence);

- 3) against whom, before and during his military service, a criminal procedure has been instituted *ex officio* for a crime committed before starting military service period or during its serving (till the end of criminal procedure), save for offences of avoiding military obligation;
- 4) who has been enrolled to the military school or police school within three days from the date the unit received decision on his admittance to school;
- 5) who has been enrolled at specialization or postgraduate education in the country or abroad while education lasts and at the latest till the end of June of a calendar year, in which he turns 30 years of age.

A soldier assessed incapable of doing military service shall be discharged within three days from the date the findings, assessments and opinion of the relevant military medical board became effective.

Article 42

Military service may be discontinued for a soldier, upon his request, because of natural disaster, death or grave illness of family member if his family would be brought into hard position due to his absence while these reasons exist and up to one year at the latest.

Upon explained request of the ministry in charge a military service period may be discontinued for a soldier scientist-researcher (to participate in the scientific-research and developing projects of special interest for the Republic of Serbia), a top athlete and a member of the Republic of Serbia national team (to participate in the World and European championships and the Olympic games) and an artist (to take part in manifestations of interest for the Republic of Serbia), while these reasons exist and no later than the end of June of the calendar year, in which a draftee turns 27 years of age.

The request from Paragraphs 1 and 2 of this Article is submitted to the unit commanding officer whose rank is that of a brigade commander or equivalent, and which the soldier is doing his military service in.

Article 43

A soldier whose military service period has been discontinued pursuant to provisions from Article 41 (Paragraph 1, Items 1) to 4) and Article 42 of this Law shall continue serving military service period when the reason causing discontinuance of the military service period cease to exist and at the latest till the end of September of the calendar year, in which he turns 27 years of age.

Notwithstanding provision from Paragraph 1 of this Article, a soldier whose military service period was discontinued shall not be sent to continue serving his military service period if till the end of his military service period remain less than 30 days.

A soldier from Paragraph 2 of this Article shall be transferred to the reserve forces with the date when his military service has been discontinued on the grounds of the decision made by the Ministry of Defence.

Notwithstanding stipulations from Paragraph 3 of this Article, a soldier from Article 41, Paragraph 1, Item 1) of this Law shall be transferred to reserve forces upon new assessment of his health capability, if assessed capable of military service.

Article 44

Time, the Military Academy cadet has spent studying at the Military Academy, following first six months, shall be considered as the time (in days) spent in serving military service.

Article 45

A draftee shall be released of obligation to serve his military service period in the following cases:

- 1) if assessed as incapable of military service;
- 2) if he has gained citizenship of Republic of Serbia by admission or based on the international contracts, but has completed his obligation of serving military service period in the country whose citizen he was or if he turned 27 years of age;
- 3) if apart from the citizenship of Republic of Serbia the draftee has a citizenship of other state as well and if in that state he has served military service period;
- 4) if he has become professional military pursuant to Law;
- 5) if he has completed the Academy for Criminalistics and Police Studies and has become an authorized officer of the Ministry of Interior;
- 6) if he has completed relevant school or course in the Ministry of Interior and has become an authorized officer pursuant to law and has worked as authorized officer for at least two years.

Article 46

The military service period does not include the following:

- 1) time spent at medical treatment and sick leave due to incapability caused by intention to avoid doing military service period or to be assigned easier duties (if so established by valid and effective judgement of the court in charge)
- 2) time spent in wilful absence and escape from the Serbian Armed Forces which has lasted at least 24 hours in continuum;

- 3) time during which the soldier was apprehended and kept by the internal affairs authorities and time spent in custody because of the criminal procedure (if by valid and effective judgement that time is considered as time serving the sentence for the committed criminal offence);
- 4) time spent on fulfilment of a discipline measure of prohibited leave from the designated premises in the military installation or prison as pronounced by the military commander or military disciplinary court pursuant to the regulations on military discipline that take more than two days in total.

5. Special Rights Based on Serving Military Service with Arms

Article 47

A soldier who does his military service period with arms, pursuant to this Law, is entitled to allowance to the amount stipulated in Article 91, Law on the Serbian Armed Forces.

The amount of the allowance shall be specified by the Minister of Defence following proposal of the Chief of General Staff of the Serbian Armed Forces.

Reserve Forces

Article 48

Reserve forces include:

- 1) reserve forces of the Serbian Armed Forces;
- 2) reserve structure of the civilian protection and other defence forces;
- 3) unassigned conscripts.

The following conscripts are subject to serving in the reserve forces:

- 1) those who have completed military service period
- 2) those who pursuant to the terms of this Law fulfilled the obligation of serving military service period in different way (if assessed capable of military service)
- 3) women – conscripts registered in the records.

When in reserve, the conscripts are registered as reserve officers, reserve non-commissioned officers and reserve soldiers.

Civilian protection and other defence forces' reserve consist of the individuals who fulfilled their military obligation by performing civilian service and, if needed, conscripts who are not assigned wartime deployment in the Serbian Armed Forces.

Article 49

Obligations of the persons in reserve shall occur as of the date of their discharge from the military or civilian service period, from the date their military or civilian service is regulated in other way or from the date of termination of their professional military service and shall last until the end of a calendar year in which conscript (man) turns 60 years of age.

Obligations of the women in reserve forces start with the beginning of a year in which they turn 19 years of age and shall last until the end of a calendar year in which they turn 50 years of age.

Notwithstanding Paragraphs 1 and 2 of this Article, a woman during pregnancy, conscript whose spouse has been called-up for exercise, a single parent (if his/her child is younger than 15 years of age) and a woman whose spouse has not been called up for exercise (if having a child younger than 10 years of age) shall not be called up for exercise.

During state of emergency or in wartime, President of the Republic may prolong duration of obligations of the reservists for reserve non commissioned officers and reserve officers even after expiration of timeline described in Paragraphs 1 and 2 of this Article.

In case of emergency or in wartime, President of the Republic may order that the soldiers, whose military and civilian service period expired pursuant to this Law, shall be kept in the Serbian Armed Forces or in civilian service as reservists.

Article 50

Conscripts who have completed military service period and who have been assigned to the Ministry of Interior shall not be called-up to military exercise but shall fulfil their obligations in accordance with the Law on Police Service.

Article 51

Persons in reserve forces may be called-up to military exercises and civilian protection exercises.

A person in reserve can be called up to military exercise up to 90 days at the most in one year.

Military obligation in reserve forces is fulfilled also by conscripts' participation in exercises, courses and other forms of military and civilian training and by carrying out other duties prescribed by this Law and other laws and in case of emergency or at wartime by joining Serbian Armed Forces, engagement in civilian protection, performing certain military duties and jobs in other defence forces.

Exceptionally, President of the Republic during state of emergency or wartime may order the following persons to be called up for exercise:

- 1) those persons in reserve forces who have completed exercise duration of which is stipulated by Paragraph 2 of this Article;
- 2) those persons in reserve forces who have turned the age specified in Article 49, Paragraphs 1 and 2 of this Law.

Article 52

An exercise may be discontinued or postponed for an individual in reserve based on his/her request:

- 1) if he/she is ill (until being called up next time after recovery);
- 2) if another family member from his household has been called up at the same time or if he is already doing military service period (until he returns);
- 3) if in time of exercise he is taking exams and if by participating in the exercise he shall be prevented from completing the school year (while such reason is in effect)
- 4) if in time of exercise he is undergoing preparations for European and World championships and the Olympic Games;
- 5) if he takes part in international scientific, research or art manifestations or if he should perform job of extreme importance for the Republic of Serbia (for the duration of manifestations or jobs);
- 6) if due to death or grave illness in his household or due to natural disaster his household would be brought into hard material or social position by his participation in the exercise (while such situation is in effect in his household).

If there is infectious disease in the reservist's place of residence, the exercise for that individual shall be postponed for the duration of disease.

Exceptionally, an exercise may be postponed for an individual in reserve due to the pressing issues at his work if so requested by state authority, company, other legal entity or entrepreneur with whom this individual is employed (while there is such a need).

An exercise lasting for more than three days may be postponed for registered farmer or other person, individual entrepreneur if there is no other family member capable of providing in his household.

Article 53

A request for exercise postponing is submitted to the territorial authority with whom the individual is registered within eight days from the date of exercise call-up receipt.

Decision on postponing and discontinuance of training, exercise or engagement of conscripts in the active reserve is made by the Serbian Armed Forces officer in charge.

If postponement is requested for the reasons specified in Article 52, Paragraph 1, Items 1), 4) 5) and 6) of this Law the request may be submitted when the reason for exercise postponing occurs.

Decision on discontinuance of the exercise for the individual in reserve forces shall be made by the relevant officer of the Serbian Armed Forces in the position of the independent battalion commander or higher or relevant official of the civilian protection or state authority.

Article 54

Active reserve is trained reserve of the Serbian Armed Forces engaged for manning of the Serbian Armed Forces units and Ministry of Defence for the purpose of carrying out tasks in the specified period of time and whose rights and duties are stipulated by the law and valid contract.

Individuals in active reserve have their wartime assignment in the commands, units and institutions of the Serbian Armed Forces and Ministry of Defence with whom they have contract on engagement in the capacity of active reserve personnel.

Active reserve personnel are engaged for carrying out tasks of maintaining operational and functional capability, training, tasks in missions and other tasks in accordance with the contract. Planned and intensified training and physical preparation of the active reserve personnel enable higher level of capability if compared to the passive reserve personnel for the purpose of manning commands, units and institutions of the Serbian Armed Forces that require higher level of the operational and functional capability.

Active reserve personnel are called-up for regular training for up to 45 days during a calendar year, for carrying out preparation for missions and tasks for up to three months and for participating in missions for up to six months.

Passive reserve consists of the reservists who have their wartime assignment in the commands, units and institutions of the Serbian Armed Forces, Ministry of Defence, state bodies, civil protection and other defence forces.

Passive reserve personnel are generally deployed as to the territorial principle.

Passive reserve personnel are engaged for carrying out tasks related to delivery of assistance to the population and rescuing of material goods in case of natural disasters and other accidents.

Passive reserve personnel are called-up for training for up to 15 days in a calendar year.

Article 55

The Serbian Armed Forces are manned by the active reserve on the grounds of the public announcement. General conditions for the service in active reserve are prescribed by the Government following the proposal of the Minister of Defence.

Ministry of Defence specifies special conditions on the grounds of Proposal of the General Staff, Serbian Armed Forces and they are precisely defined when announcement is made depending upon the requirements of the service and approved plan.

Member of the active reserve can be a conscript meeting the general conditions from Paragraph 1 of this Article and special conditions defined by the announcement regarding military professional capability and level of professional education, speciality, specialization, medical-psychological and physical capability and security conditions for the formation position for which the contract is made.

Number and structure of the individuals (by rank, branch, service, speciality and units) with whom a contract can be made on engagement in active reserve are

approved by the Minister of Defence for each calendar year following the proposal of the Chief of the General Staff of the Serbian Armed Forces.

Contracts on active reserve and individual contracts on carrying out concrete tasks of importance for defence or needs of the Serbian Armed Forces are made with required number of individuals meeting general and special requirements.

Article 56

Contract on the active reserve stipulates conditions, time, way and jobs of engagement, rights and obligations in time of performing professional duties in the Ministry of Defence and military duties in the Serbian Armed Forces.

A conscript accepted to active reserve will sign typical contract with the unit of brigade rank or higher on serving in active reserve. The contract is signed for the period of two years and can be extended at the most until the year in which a person turns 45 years of age (for soldiers and non commissioned officers), i.e. 55 years of age (for officers). The contract stipulates mutual obligations, rights and duties.

Key elements of the contract from paragraph 1 of this Article are prescribed by the Minister of Defence following the proposal of the Serbian Armed Forces General Staff.

Article 57

Individual contracts on engagement for carrying out concrete missions and tasks of importance for defence and carrying out military duties are made in accordance with established needs of the Ministry of Defence and Serbian Armed Forces.

Serbian Armed Forces General Staff establishes and keeps special records on specialities for which the individuals in active reserve can be engaged.

Individual contract is made in harmony with conditions stipulated by the regulations on the Serbian Armed Forces and Contract on Engagement in Active Reserve.

Article 58

An individual in reserve forces whose health status has changed shall be referred, at his request or upon request of the territorial authority to medical and other examinations and psychological tests for establishing his capability for military service.

The drafting board shall enter assessment of capability for military service and decision regarding change of branch or service for the person from Paragraph 1 of this Article into his medical and military booklet.

Article 59

Individuals in reserve are allocated and communicated wartime deployment and deployment in civilian protection and other defence forces in time of emergency and wartime as to the needs of the Serbian Armed Forces manning and needs of civilian protection and other defence forces.

Individuals in reserve who have served military service period unarmed and in civilian service shall be assigned and communicated deployment in civilian protection and other defence forces.

Data on wartime deployment are secret.

Individual in reserve forces shall not accept the job in foreign armed forces or have any relation with those forces without previous consent of the Minister of Defence.

Article 60

Commanding officer of the military unit in the position of a battalion commander and its equivalent in the civilian protection body or state authority who formed civilian protection unit shall forward the request for calling up conscripts for the purpose of training, military exercises and carrying out missions and tasks to the Ministry of Defence territorial authority at the latest 60 days prior the date planned for conscripts' reporting.

Territorial authority who keeps records on the conscript shall call up conscripts upon receiving consent from the superior body. The conscripts shall be sent the call-up at the latest 30 days before the date of the planned conscript' reporting.

For the exercise of mobilization preparedness, for mobilization and under state of emergency and at wartime conscripts are called up without time limits stipulated in Paragraphs 1 and 2 of this Article.

Conscripts Residing Abroad

Article 61

A draftee or individual in reserve who intends to stay abroad for longer than six month shall address the Ministry of Defence territorial authority with whom it is entered into records and obtain approval of the Ministry of Defence

The approval for staying abroad shall not be given to a draftee or individual in reserve:

1) if he was called-up to carry out military service period;

2) if state of emergency or war has been declared;

3) if he is under investigation or delinquent or criminal proceeding have been instituted against him for the offences against constitutional order and security of the Republic of Serbia, state authorities and Serbian Armed Forces as defined by the Penalty Law;

4) he has avoided drafting obligation due to his own fault.

Approval for staying abroad is issued to a draftee if there are no impediments stipulated in Paragraph 2 of this Article and it lasts for up to two years and at the latest till the end of June of the calendar year in which a draftee turns 27 years of age.

Notwithstanding provisions from Paragraph 3 of this Article, in justified circumstances a draftee may be issued approval for staying abroad till the end of the year in which he will turn 30 years of age.

Way, conditions and procedures for issuing approval from Paragraph 1 of this Article shall be prescribed by the Minister of Defence.

Article 62

Conscript residing abroad shall effectuate his rights and obligations via relevant diplomatic-consular mission of the Republic of Serbia pursuant to separate regulations and this Law.

Diplomatic-consular missions of the Republic of Serbia shall keep records for the purpose of performing conscription by the persons from paragraph 1 of this Article as prescribed by this Law and regulations enabling its implementation

A draftee residing abroad shall be issued approval for permanent stay or for extension of temporary stay abroad by the diplomatic-consular mission of the Republic of Serbia which keeps records on him.

Before making decision on conscript's residence abroad, Republic of Serbia diplomatic consular mission shall obtain from the territorial authority, keeping records on the draftee, data on impediments from Article 61, Paragraph 2 of this Law.

An approval for draftee's stay abroad shall be issued by the diplomatic-consular mission of the Republic of Serbia at the latest till the end of June of the calendar year in which he turns 30 years of age.

Article 63

In accordance with the security risks and threats a separate law may partially limit, if so required by the state defence and security needs, travel and staying abroad to the conscripts of a certain categories or specialities which are of special importance for defence of the country and manning of the Serbian Armed Forces, civilian protection and other defence forces.

Article 64

A draftee or an individual in reserve forces who has travelled abroad to stay there for more than a year shall report to relevant diplomatic-consular mission to be entered into military records kept by the diplomatic-consular mission within 30 days from the date of crossing state border.

A person staying abroad shall address the diplomatic-consular mission of the Republic of Serbia in the year in which he turns 18 to be entered into military records.

Data from the military conscripts' records from paragraph 2 of this Article shall be forwarded to the relevant territorial authority as to the last residence of the conscript before his going abroad. Harmonization and upgrading in regard to the data entered into unified register of conscripts shall be done once a year.

Article 65

A conscript shall not be granted release from citizenship of the Republic of Serbia if he has not previously regulated his military service obligation in a manner prescribed by law.

Article 66

A person who holds dual citizenship is a conscript of the Republic of Serbia who in addition to Serbian citizenship has the citizenship of a foreign country with which the international contract has been ratified under the mutual conditions.

A draftee with dual citizenship who has not done his mandatory military service period in other state and who has returned and decided to live permanently in the territory of the Republic of Serbia shall serve military service period in accordance with this Law.

A draftee with dual citizenship who has not done his mandatory military service period in either of the states whose citizenship he has and who has turned 27 years of age and lives permanently abroad shall be transferred, following decision of the territorial authority, into reserve forces as individual who completed military service period in civilian service.

A draftee having dual citizenship who did his military service period in other state shall be transferred to the reserve forces.

Proofs on the citizenship of other state and certificate proving completed military service period in that state are delivered in original and certified translation into Serbian language to the territorial authority in the place where records on that individual are kept or via diplomatic-consular mission of the Republic of Serbia

Reimbursement for Carrying out Conscription Obligation

Article 67

A draftee or individual in reserve forces called up for fulfilling conscription obligation is entitled to reimbursement of expenses for public transport from the place of his residence to the place for carrying out conscription obligation.

A soldier serving military service period either armed or unarmed is entitled to reimbursement of travel expenses during regular and award leave of absence and discharge or discontinuance of military service period.

Article 68

An individual in reserve forces who is employed and who has been called up to do service in reserve force is entitled, for the period of that service, to reimbursement in the amount of average income in preceding three months prior to call up if not stipulated differently by separate law .

An individual in reserve forces who operates own registered business or performs other professional job is entitled to reimbursement in the amount equivalent to the basis for which he pays contribution for own social insurance for the time he spent in reserve force.

Unemployed individual in reserve force or the one who is not operating own registered business or other professional job, registered farmer as well as an

individual in the reserve forces who receives pension or allowance for unemployed is entitled to reimbursement for the time spent in reserve forces in the amount prescribed by the Government.

For the time period of doing military service, a reserve officer and reserve non commissioned officer is entitled to a wage and special allowances stipulated by the Law on the Serbian Armed Forces for professional officer or professional non commissioned officer of the same rank and at the same duty.

An individual in reserve forces called up for exercise is entitled to meals and accommodation free of charge if the exercise lasts for more than 8 hours.

Amount and manner of reimbursement payment for carrying out conscription obligation is prescribed by the Government on the grounds of Minister of Defence proposal.

Article 69

In addition from reimbursements stipulated by the contract, for each month of the contract the member of the active reserve is entitled to the payment in the amount defined by the Minister of Defence.

A member of the active reserve is not entitled to the reimbursement from paragraph 1 of this Article for the period of time during which he receives wage for his engagement in active reserve.

Article 70

During the engagement, outside regular annual training, the rights and obligations relative to active reserve conscripts' employment shall stand still as stipulated by the Labour Law.

The Minister of Defence or an official he authorized shall made a contract with the employer from Paragraph 1 of this Article on business cooperation in accomplishing jobs of importance for defence in accordance with the law.

Ministry of Defence keeps separate records on contracts on active reserve and contracts on work for a temporary period made with the selected individuals and contracts on business cooperation with their employers.

Employment shall not be terminated for a member of the active reserve due to his engagement in military service nor shall he be in unequal position in regard to other employees when the rights related to his employment are concerned.

9. Records of Military Conscripts

Article 71

The Ministry of Defence keeps unified records on the conscripts.

Territorial authorities keep separate records of the military conscripts for the duration of drafting obligation, obligation of serving military service period and obligations of individuals in reserve forces for the territory it was established.

Article 72

A conscript is entered in the records as to his place of residence.

A conscript who is employed on a permanent basis at the territory at which he does not reside shall be registered in the place in which he works on a permanent basis if he has registered his residence in that place.

Article 73

Records of conscripts who reside abroad for more than one year are also kept by the diplomatic-consular missions.

Article 74

Following the request of the territorial authority, the state bodies, autonomous provinces bodies, local governments' elements, companies and other legal entities shall forward the data necessary for keeping records and they shall upgrade data regarding the changes that have occurred in the records under their responsibility.

Article 75

A conscript who is entered into records is issued military booklet.

Military booklet is personal document with which a conscript proves fulfilment of the military obligation period and his identity while in service.

It is forbidden to take military booklet outside Republic of Serbia.

The format of military booklet and way of its issuing is prescribed by the Minister of Defence.

Article 76

A conscript and an individual in reserve force shall notify the territorial authority with whom he is registered on the change within eight days of its occurrence:

- 1) Change of place of living (new address);
- 2) Change of residence;
- 3) Any change in regard to the health status of importance for military service;
- 4) Type and place of carrying out registered entrepreneurship i.e. other profession;
- 5) Return from serving military service period
- 6) Loss of military booklet
- 7) Enrolment or repeated enrolment in school;
- 8) And other data of importance for carrying out military service obligation.

An individual from paragraph 1 of this Article shall notify their stay abroad for longer than three months within eight days prior to departure and their return from abroad within eight days from the date of his return to his place of residence.

Article 77

State body or the court in charge shall inform territorial authority with whom the conscript is registered on all changes occurring due to decisions of the relevant organs and contained in the records kept ex officio and court verdicts for criminal offences against state authorities and Serbian Armed Forces within 15 days of the date of change occurrence as follows:

- 1) On change of personal name, gaining and termination of the citizenship of the Republic of Serbia – authority which passed effective decision;
- 2) On initiation, cancellation or termination of the criminal procedure regarding criminal offence requiring ex officio charges, on valid and effective sentence on juvenile prison, imprisonment or fine, on valid and effective sentence of institutional corrective measure or safety measure of mandatory psychiatric treatment and mandatory treatment of alcoholics and drug addicts in health care or other specialized organization and on serving the imprisonment or juvenile imprisonment term – relevant court;
- 3) On imprisonment sentence pronounced for offence – an authority issuing that sentence;
- 4) On release from prison or juvenile prison – authority, i.e. institution which released the conscript.

An authority who has entered facts on death into register of deaths shall forward notification on death or pronouncing missing soldier dead to the territorial authority with whom that conscript was entered into records.

A company, legal entity or organization through whose mediation a conscript has got a job abroad or is engaged for more than three months abroad, shall inform territorial authority on this fact within eight days of the date of the conscript's departure abroad.

Absence of a conscript from the place of residence or living due to unknown reasons for more than three months shall be notified by a family member with whom he lives in common household and if he has lived separately from the family and was employed – by the relevant individual in state authority and legal entity who keeps employees' register or an individual who performs his work independently and with whom the conscript has been employed.

Individuals mentioned in paragraph 4 of this Article shall submit notification on absence of a conscript due to unknown reasons within eight days upon expiration of three months period of the date of his absence.

Article 78

Instruction on keeping records on conscripts is prescribed by the Minister of Defence.

Administrative Procedure

Article 79

The decision on conscription performance is passed by the territorial authority which keeps the record on the conscript.

The complaint against the decision from Paragraph 1 of this Article is processed by the Ministry of Defence territorial authority of the second instance.

Commanding officer of the Serbian Armed Forces command, unit or institution in the capacity of battalion commander or his equivalent or higher passes the decision on carrying out military service period for a soldier from the unit or institution which he commands.

The complaint against the decision made by the officer from Paragraph 3 of this Article is attended by the commanding officer of the Serbian Armed Forces command, unit or institution that is immediately superior to the officer who passed the first instance decision.

The complaint filed against the decision made with reference to the fulfilment of the conscription does not prevent the implementation of that decision.

The complaint against the decision made by the drafting board is attended by territorial authority of the second instance.

An administrative procedure may be instituted against the decision that followed the complaint against the decision of the drafting board.

The complaint against the decision of the diplomatic and consular mission regarding the fulfilment of military service of the conscript who resides abroad is attended by the Minister of Defence or an individual appointed by him.

Supervision

Article 80

Supervision and control of carrying out conscription and regularity of work of the authorities, both in the first and second instance, deciding on rights and obligations of the conscripts shall be performed by the Ministry of Defence.

Article 81

Administrative taxes for filing petitions related to carrying out conscription are paid in accordance with the law.

III COMPULSORY LABOUR

Article 82

Compulsory labour is the right and duty of the Republic of Serbia citizens which they fulfil at their workplaces or at the specified jobs and tasks during state of emergency and at wartime in accordance with the Republic of Serbia Defence Plan

The local governments' bodies are responsible for meeting needs of the citizens in the state of emergency and at wartime through public companies, enterprises, other legal entities and entrepreneurs in the territory under their responsibility.

Article 83

The citizens shall accomplish their compulsory labour in accordance with the laws and bylaws that stipulate defence, civil protection and labour areas.

The regulations pertaining to the way and procedure of carrying out compulsory labour are passed by the Serbian Government at the proposal of the Minister of Defence.

Compulsory Labour in the State Bodies and Legal Entities of Importance for Defence

Article 84

A person who has labour obligation shall fulfil his obligation by carrying out jobs and tasks in the state bodies, companies, other legal entities and with entrepreneurs by doing activities of particular importance for defence, protection and rescue (hereinafter: state bodies and legal entities), where he is allocated based on bylaw on wartime organization and systematization, list of duties and the Manning Plan, following the request or order by the state authority in charge in accordance with the regulations on defence, civil protection and Republic of Serbia Defence Plan and protection and rescue plans.

The assignment of labour registrants from Paragraph 1 of this Article is considered to be their wartime assignment.

Article 85

The compulsory labour registrants are assigned in their place of work or the place of residence.

Notwithstanding provision of Paragraph 1 of this Article, labour obligation registrant may be assigned outside his place of work or residence if the state authority or legal entity is lacking necessary number of registrants for the wartime systematization.

Article 86

The following officials shall make decisions on assignment of compulsory labour registrants:

- 1) in the state authority – a manager running that authority or person authorized by him;

- 2) in the administration bodies – a manager of that body or person authorized by him;
- 3) in the legal entity – director or person authorized by him
- 4) with entrepreneur – the person in charge.

A conscript, within the meaning of paragraph 1 of this Article, is assigned in accordance with the Manning Plan obtained from the territorial authority.

Article 87

If war or state of emergency are declared, the employee shall cease to be employed if he fails to act in accordance with the decision on assignment in the state authority or legal entity to pursue activity of particular importance for defence.

An employee who has not been assigned to compulsory labour shall respond to call ups of state authorities or legal entity that employs him and the call up issued by the territorial authority in order to be engaged in the fulfilment of compulsory labour.

Article 88

Territorial authority keeps the record of compulsory labour registrants that have a specified wartime assignment in the state bodies and legal entities.

Following the request from the body described in Paragraph 1 the state authorities and legal entities shall deliver their documents on wartime organization and systematization and supply necessary data on labour registrants.

Compulsory Labour in the Labour Service Units

Article 89

Territorial authority may establish labour service units consisting of the labour registrants who are not having a determined wartime assignment, for the purpose of carrying out urgent tasks for defence, Serbian Armed Forces and civil protection needs in the state of emergency and at wartime.

Article 90

The Ministry of Defence and Serbian Armed Forces commands, units and institutions, state authorities and legal entities, whose tasks are defined by the Defence Plan may submit a request to the territorial authority for the engagement of labour service units.

Article 91

The labour service units are engaged only in case of state of emergency or at wartime

Notwithstanding provisions from Paragraph 1 of this Article, labour service units may be called up in peacetime within the framework of exercises and inspections for the purpose of training and testing their capabilities for carrying out tasks in the state of emergency and at wartime.

Decision regarding call up of the labour service units and their inspection is made by the Minister of Defence.

Article 92

Board, lodging and healthcare of labour units' personnel in the course of units' engagement, are provided by the state authority, legal entity or the Serbian Armed Forces command, unit and institution and Ministry of Defence for whom the labour service unit does the work.

An engaged compulsory labour registrant is entitled to reimbursement in accordance with Article 68 of this Law.

Article 93

The labour service units shall be disbanded upon completion of their task.

Article 94

The records of the labour service units' engagement are kept by the territorial authority.

IV Requisition Obligation

Article 95

The requisition obligation is the right and duty of the Republic of Serbia citizens, companies, other legal entities and entrepreneurs whose seat is in the territory of the Republic of Serbia to give to the state authorities, Serbian Armed Forces and civil protection movable and immovable property which they poses and which is designated as the property of specific purpose for defence, Serbian Armed Forces and civil protection needs (hereinafter: for defence needs) for temporary use with compensation.

Article 96

The requisition obligation for defence requirements is fulfilled by the owners of that property. The property may be the property of citizens, companies, other legal entities and entrepreneurs (hereinafter: property owners)

Article 97

The requisition obligation is fulfilled during state of emergency and at wartime.

Notwithstanding paragraph 1 of this Article, requisition may be carried out in the peacetime for the purpose of protection and rescue by inspection, control and use of property at military exercise.

Decision on conducting control of requisition obligation in peacetime is made by the Minister of Defence.

Regulations on the way and procedure of the fulfilment of requisition are passed by the Government following the Minister of Defence proposal.

Article 98

Requisition in peacetime and in state of emergency and at wartime applies to all citizens of the Republic of Serbia, foreign citizens with permanent residence in the Republic of Serbia, domestic and foreign legal entities that have been registered for the activities defined by law as activities of importance for the Republic of Serbia defence.

Diplomats and members of the international organizations are not subject to requisition.

Article 99

Requisition is carried out according to the needs of the Serbian Armed Forces and other needs of the country's defence (hereinafter: property users).

Other needs of the country's defence, within the meaning of this Law, are the needs of state authorities, civil protection, companies, other legal entities and entrepreneurs that are assigned by the Government regulations for priority production, supply of goods or delivery of services of special interest for the country's defence.

Article 100

Carrying out of requisition is secured by the Ministry of Defence via territorial authorities in accordance with the law and decisions made by relevant authorities on work in case of state of emergency and at wartime.

Article 101

The property is handed over, used and returned with adequate compensation for its temporary usage and with compensation in case of its damage or destruction pursuant to the procedure prescribed by this Law in harmony with the constitutionally guaranteed property rights.

Article 102

The Ministry of Defence shall not allocate the registered property if their allocation will:

- 1) prevent the owner from performing vital functions, such as transportation of the disabled persons or sick people
- 2) prevent the owner from doing his work to the scope that would jeopardize his existence

- 3) prevent performance of necessary jobs of particular public interest
- 4) prevent performing of minimum economic activity
- 5) jeopardize considerably the citizens' living conditions.

Property and the Records on Property

Article 103

For the need of country defence the property owners shall hand over the following:

- 1) motor, transportation and special vehicles, vehicles of all types and capacities;
- 2) construction and other machines for construction and engineer works of all types and purposes;
- 3) communication equipment;
- 4) boats, ports, docks and installations for sailing, supply and maintenance and overhaul of boats;
- 5) aircraft and airports: aircraft of all types and purposes, airports with hangars and other installations and devices for regulation and control of the air transport, warehouses of fuel for the air transport, ground radio and navigation equipment and communication and flight control equipment;
- 6) pump stations and warehouses: petrol stations, fuel and lubricant storages, stations for filling acetylene, oxygen and propane-butane bottles, stations for maintenance of fire equipment, pumps, compressor stations and water generators, battery stations, mines and ordnance storages, spare parts, intermediary material and consumable material warehouses, human and animal food storages, equipment and other material;
- 7) service stations and stations for technical control of motor vehicles and telecommunication equipment, and the attached overhaul capacities and equipment, machines, devices, installations, instruments and laboratory equipment;
- 8) equipment and devices for printing preparation and recording;
- 9) riding, towing and pack animals with additional equipment;
- 10) buildings and land with devices, equipment and installations;
- 11) other necessary property (products and services of special importance for the country's defence).

Article 104

For the purpose of carrying out requisition in an organized and proper manner it is necessary to keep records.

The procedure and way of keeping records from Paragraph 1 of this Article is prescribed by the Minister of Defence

Article 105

The property from Article 103 of this Law is listed and entered into registers by the territorial authorities based on the records kept by the state administration bodies in charge of property, internal affairs, public revenues, and other state bodies.

Article 106

Following the request of the territorial authority property owners shall provide insight into data and documents concerning the property from Article 103 of this Law and enable inspection of that property for the purpose of making lists and keeping records.

If there is no record for certain items from paragraph 1 of this Article or the data from those records are incomplete, the territorial authority shall conduct inspection of that property and enter it into records.

Article 107

If the property owners have been deprived of the registered property or the property has become technically broken or useless, or if considerable changes have occurred on that property the owners shall inform immediately, and at the latest within 15 days, on that fact the territorial authority providing also adequate written evidence from the authorized service workshop.

Article 108

Allocation of goods is conducted in such a manner so as to secure primarily the requirements of the Serbian Armed Forces wartime units and commands.

The allocation shall enable maximum standardization possible of the property required by Serbian Armed Forces units and for other needs of the country defence.

Matching requisition and wartime assignment of persons – operators of equipment shall be conducted if the equipment requires special operational knowledge.

Article 109

The property registered for defence needs is allocated in accordance with the specific wartime distribution for the Serbian Armed Forces and other needs of country defence stipulated in Article 99, Paragraph 1 of this Law, in accordance with the regulations on the criteria for citizens' assignments and standards for property required by the Serbian Armed Forces and other needs of country defence that are passed by the Government following the Minister of Defence proposal.

2. Methods of Requisition

Article 110

The property user shall submit timely request to the territorial authority in order to take over the property for its inspection or use it in military exercise, so that the property owner can be called up at the latest 30 days before the date determined for the handover to fulfil his requisition obligation.

The deadline from Paragraph 1 of this Article does not apply to the submission of the request at wartime or in the state of emergency.

Article 111

The property required by for defence shall be taken over by the user who has been allocated the property based on the approved territorial authority Manning Plan.

Article 112

The territorial authority delivers the property owner a call up containing the following: name of property that need to be handed over, time and location of handover, name of the user, note that property may be delivered by persons authorized by the owner and warning about the owner's responsibility is he does not respond to call up.

The territorial authority shall institute a proceeding against the property owner who does not respond to call up and does not hand over the property for carrying our exercise.

The territorial authority shall immediately institute criminal procedure against the property owner who does not respond to call up and does not hand over the property required by the user upon declaration of the state of emergency or war.

Article 113

The property owner who has received call up from the territorial authority for inspection or exercise may request postponement of obligation within eight days of the date of the call up receipt in the following cases:

- 1) if the hand over of property will cause damage to the property owner due to unfulfilled obligations and jobs from the previously signed agreements;
- 2) if he will face a great economic damage;
- 3) if the mobilized vehicle is the only one in the owner's family and he has children that are younger than 16 years of age.

Article 114

The owner hands over the property to the user in an orderly condition at the location and time specified in the call up.

If at the time specified for hand over of the allocated property it is not with the owner or if it is located at such a distance that it cannot be handed over to the user in good time, the owner shall hand over other good of the similar characteristics instead of specified one.

If the owner does not have another adequate good, he shall immediately inform on that fact the territorial authority in charge which shall secure allocation and hand over of another adequate property.

Article 115

The authorized person or the user's commission for requisition of the property shall write minutes regarding received property in three copies that shall include identification data and facts about the state of the property and especially data on possible insufficiencies and damages that are found during the inspection.

Article 116

During the requisition the authorized person or the chairman of the commission for taking over the property shall inform the owner or the person who handed over the property about the time and location of its release. That information is entered in the minutes from Article 115 of this Law.

If, during the property requisition, the time and place of its release cannot be precisely defined or if the property owner refuses to receive a copy of the minutes, the property user shall inform the owner on the time and location of release in writing and in good time.

Article 117

During the release of property the authorized person or the commission for the requisition of property shall make minutes on handover of goods to the owner in his presence or in the presence of the persons he has authorized for the takeover of property.

One copy of the minutes on the property release is delivered to the territorial authority keeping records on the property.

3. Reimbursement of Travel Costs

Article 118

The property for the user's needs are delivered and taken over by the property owner or the person he authorizes.

The property owner is entitled to reimbursement of travel costs in the real amount and per diem for travel related to the property hand over and take over in the amount prescribed in the regulation stipulating reimbursement of costs for state officials and appointees.

Compensation for Property Use

Article 119

The property owner is entitled to compensation for the use of the property from the list.

The compensation for the property use from Paragraph 1 of this Article is determined by the Government following the Minister of Defence proposal.

Article 120

The owner is entitled to compensation for the property use from the moment of its handover to the moment of its release.

The compensation for property use shall be paid no later than 45 days from the date of property return to the owner.

Compensation for the use of movable and immovable property is paid per month, provided the owner existence is jeopardized or he/she is prevented from operating own business.

5. Procedure for Determining Compensation for Damaged, Destroyed or Missing Property

Article 121

Provided immovable and movable property has been damaged, destroyed or missing during the state of emergency or at wartime or during an exercise, the property owner is entitled to compensation in the amount of the property value at the moment of its requisition, which has been notified in the minutes on the requisition..

Unless the minutes state the property value, the owner is entitled to compensation in the amount of average market value of the property on the territory where the property has been at the time of requisition.

In case of a dispute over the property value or if the property value was unrealistically determined, the territorial authority shall initiate the assessment procedure, save for the cases when extrajudicial settlement has been achieved.

The property owner, who is dissatisfied with the determined property value from Paragraph 3 of this Article, may institute procedure before relevant court.

Provided the property has been damaged, while being used by the user, the user shall repair the property and hand it over to the owner in good condition.

Article 122

The procedure for determining the compensation for damaged, destroyed or missing property is instituted ex officio by the property user, but may be also initiated on the grounds of request by the property owner.

The compensation for the damaged, destroyed or missing property is determined by a commission consisting of the chairman and a number of members, established by the property user.

Article 123

The Commission for determining compensation for damaged, destroyed or missing property shall inform the property owner on the time and location of its work so that he/she may directly give his/her statement regarding the circumstances that are important for determining the damage.

In order to determine the damage, the Commission may propose engagement of an expert from the list of forensic experts.

Provided the property from the list has been insured, the assessment of damage shall be made by an insurance company.

Article 124

The Commission shall determine the damage and the circumstances, under which the damage occurred, assess the property market value and propose the way, in which the damage will be compensated.

The Commission will write the minutes pertaining to determining and compensating the damage that shall contain all the data relevant to determining the damage and its compensation.

Article 125

The relevant state authority may, in accordance with the Law, approve to the owner of the property, allocated pursuant to the manning plans concerning country, defence reduction of annual taxes anticipated for that property

V PENAL PROVISIONS

Article 126

A draftee or a person in reserve forces shall be punished by fine amounting from 10,000 to 50,000 dinars, or up to 60 days of prison sentence if, contrary to this Law and without a justified reason, he does not respond to the call up of the territorial authority at the time and location specified in the individual call up, for being entered into military records, drafting, serving military service period and medical and other check-ups and tests (Article 11 and Article 51 of this Law), for the military exercise or another training of reserve forces recognized as doing the military exercise.

Article 127

A draftee or a person in reserve forces shall be punished by fine amounting from 10,000 to 50,000 dinars or 30 days of prison sentence in the following cases:

- 1) if he takes the military booklet out of the Republic of Serbia (Article 75 of this Law);
- 2) unless he, within the prescribed time, informs the territorial authority he is entered into military records with on any changes that have occurred pursuant to Article 76 of this Law.

Article 128

A company, legal entity or organization that mediates in conscript's employment abroad shall be punished by fine amounting from 35,000 to 350,000 dinars unless it informs a territorial authority on the fact, within eight days of the date of conscript's departure abroad (Article 77 of this Law).

The responsible person in the company, legal entity or organization shall also be punished by fine amounting amount from 10,000 to 50,000 dinars for the offence from Paragraph 1 of this Article.

Article 129

A person in charge in the state authority shall be punished by fine amounting from 10,000 to 100,000 dinars unless he informs the territorial authority on the changes occurring with the conscript pursuant to Article 77 of this Law within 15 days of the date of change occurrence.

Article 130

A company, other legal entity and a person running own business and employing a conscript shall be punished by fine amounting from 40,000 to 400,000 dinars for the following offences:

- 1) unless they provide necessary data on the conscript following the request of the territorial authority for evaluation of their capabilities for military service and designation of branch, service and individual duties in the Serbian Armed Forces (Article 74 of this Law)
- 2) unless they report to the territorial authority the absence of the conscript for unknown reasons, who was employed with them (Article 77, Paragraphs 4 and 5 of this Law)

The responsible person in the company and other legal entity shall be punished by fine amounting from 10,000 to 100,000 dinars for the offence from Paragraph 1 of this Article.

The member of the household shall be also punished by fine amounting from 10,000 to 30,000 dinars for the offence from Paragraph 1 of this Article.

Article 131

The following persons shall be punished by fine amounting from 10,000 to 50,000 dinars:

- 1) a manager or a person he has authorized, who does not write a decision on assigning labour service registrants (Article 86, Paragraph 1, Items 1) and 2) of this Law);
- 2) a director or a person he has authorized, who does not write a decision on assigning the labour service registrants (Article 86, Paragraph 1, item 3) of this Law)
- 3) a responsible person, who does not act in accordance with the territorial authority's decision (Article 91, Paragraph 2 of this Law).

Article 132

The property owner shall be punished by fine amounting from 10,000 to 50,000 dinars for the following:

- 1) unless he/she hands over the property for the country defence needs (Article 103 of this Law)
- 2) unless he/she, following the request of the territorial authority, delivers the property to the specified location and ready to use (Article 114 of this Law).

The legal entity shall be also fined for the offence from Paragraph 1 of this Article amounting from 300,000.00 to 1,000,000.00 dinars.

Responsible person with the legal entity shall be fined for the offence from Paragraph 1 of this Article amounting from 20,000 to 50,000 dinars.

Entrepreneur shall be fined for the offence from Paragraph 1 of this Article amounting from 200,000.00 to 500,000.00 dinars.

Article 133

The property owner shall be punished by fine amounting from 10,000 to 40,000 dinars for the following offences:

- 1) unless he/she, following the request of the territorial authority, presents the data and documents on the property from Article 103 of this Law or if he/she prevents inspection of property for inventory and record keeping purposes (Article 106 of this Law)
- 2) if he/she fails to inform the territorial authority about any changes incurred on the property (Article 107 of this Law)
- 3) if he/she fails to inform the territorial authority that he/she does not have adequate property (Article 107 of this Law).

The legal entity shall be also fined for the offence from Paragraph 1 of this Article in amounting from 150,000.00 to 450,000.00 dinars.

The responsible person with the legal entity shall be fined for the offence from Paragraph 1 of this Article amounting from 20,000 to 50,000 dinars.

Entrepreneur shall be fined for the offence from Paragraph 1 of this Article amounting from 100,000.00 to 300,000.00 dinars.

Article 134

The legal entity shall be punished by fine amounting from 50,000 to 250,000 dinars for the following offences:

- 1) unless, as a property user, it writes minutes (Article 115, Paragraph 1 of this Law)

- 2) unless the property user informs the property owner in writing about the time and location of property release (Article 116, Paragraph 2 of this Law)
- 3) unless it informs the property owner on the time and place of work of the Commission for deciding on compensation for damaged, destroyed or missing property (Article 123, Paragraph 1 of this Law)

The responsible person with the legal entity shall also be fined for the offence from Paragraph 1 of this Article amounting from 20,000 to 50,000 dinars.

The responsible person in the state authority shall be fined for the offence from Paragraph 1 of this Article amounting from 20,000.00 to 50,000.00 dinars.

VI MISCELLANEOUS

Article 135

Soldier serving military service period on the date of this Law entering into force shall continue to serve his military service period in accordance with the provisions of the law pursuant to which he was drafted.

Procedures for drafting and call up of the conscripts who have not been completed shall be completed in accordance with the provisions of this Law.

Until criteria for assessing conscript's health capability for military service and criteria for medical and other checks are adopted, the draftee who has been assessed as having limited capability for military service shall be assigned to serve military service period in the Serbian Armed Forces, upon which he shall be referred to have his capability of military service assessed.

Compulsory military service, following fully professional Serbian Armed Forces, shall be terminated by the National Assembly of the Republic of Serbia following the Government's proposal. Upon its termination, serving of military service shall be done on a voluntary basis in accordance with the provisions of this Law.

The provisions of this Law referring to drafting obligation and obligation of doing military service shall apply to the individual, who has volunteered to do military service with arms in the Serbian Armed Forces. Other individuals shall be entered into military registers and shall serve in reserve forces.

The National Assembly of the Republic of Serbia, following the Government's proposal, may again introduce compulsory military service in accordance with provisions of this Law.

Upon professionalization of the Serbian Armed Forces, and during state of emergency or at wartime, President of the Republic shall decide on reintroducing compulsory military service, which may last until the end of the state of emergency or war.

Article 136

A draftee who has turned 27 years of age on the date of this Law entering into force and who has been assessed by the drafting board as temporarily incapable of

military service shall be referred to the final assessment of health capability. His further status shall be defined in accordance with that assessment and pursuant to the provisions of this Law.

Article 137

A draftee who has turned 27 years of age on the date of this Law entering into force and the territorial authority establishes that he has been avoiding obligation of doing military service period shall be assigned to do military service period in the first drafting term.

A draftee who has turned 27 years of age on the date of this Law entering into force, and who for the territorial authority establishes in the legally prescribed procedure, that he has not avoided conscription, shall be enabled to serve military service in accordance with this Law no later than the end of the calendar year in which he turns 30 years of age.

Article 138

A draftee who has turned 30 years of age on the date of this Law entering into force and who for the territorial authority establishes that he has not avoided conscription shall be released from the obligation of serving military service and transferred to the reserve forces.

A draftee who has turned 30 years of age on the date of this Law entering into force, and who for territorial authority establishes that he has avoided to serve military service shall be released from the obligation of serving military service and transferred to the reserve forces. However, actions prescribed by the Law shall be undertaken against him for failing to meet his conscription responsibility.

Article 139

The provisions of the Law on Contract and Torts are applied to the legal relations pertaining to the requisition of property and the procedure for compensation assessment for the damaged, destroyed or missing property that are not stipulated by this Law.

Article 140

The supervision of the implementation of this Law and other regulations that stipulate the fulfilment of conscription, compulsory labour and requisition is conducted by the Defence Inspectorate.

The supervision is conducted by the Defence Inspectorate in accordance with the law and regulations passed by the Minister of Defence

Article 141

The regulations for the implementation of this Law shall be passed within 6 months of the date of this Law coming into effect.

Article 142

With the date of this Law entering into force the following shall expire: provisions of Article 26 and 27, provisions of Chapter XVII – Conscription (Articles 279 to 336) and provisions of Chapter XIX Penal Provisions (Article 340 to 345) of the Law on the Yugoslav Army (Official Gazette of the Federal Republic of Yugoslavia, No. 43/94, 28/96, 44/99, 74/99, 3/02 and 37/02, Official Gazette of Serbia and Montenegro, No. 7/05 and 44/05), and Official Gazette of Republic of Serbia No.116/07), Decree on Conscription (Official Gazette of FRY, No.36/94 and 7/98, Official Gazette of Serbia and Montenegro, No. 37/03 and 4/05 and Official Gazette of the Republic of Serbia, No. 6/07 and 86/07)), the Decree on Organization and Carrying Out of Requisition (Official Gazette of the FRY, No. 36/98, 32/99, and 9/01) and the Decree on Organisation and Carrying Out Compulsory Labour (Official Gazette of the FRY, No. 36/98 and 20/99).

Article 143

This Law shall come into effect on the eighth day of the date of the publishing in the Official Gazette of the Republic of Serbia.